

Notice of Allowability

Application No.

10/791,043

Examiner

Marc E. Norman

Applicant(s)

DE PAUW ET AL.

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 22 May 2006.
2. ☒ The allowed claim(s) is/are 1-3,5-7,68-72,75 and 77-93.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/21/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

REASONS FOR ALLOWANCE

Claims 1-3, 5-17, 68-72, 75, and 77-93 are allowed.

The following is an examiner's statement of reasons for allowance:

As per independent claim 1, the prior art (and in particular Crouse) fails to teach the HVAC controller combination as recited, and in particular the combination wherein the first plurality of detents causes two or more switches to be switched in sequence and wherein the movable member further includes a second plurality of detents configured to engage one or more detent engagement members to selectively fix a position of the movable member at one of a plurality of positions.

As per independent claim 6, the prior art (and in particular Crouse) fails to teach the HVAC controller combination as recited, and in particular wherein one or more of the switches are optical switches.

As per independent claim 7, the prior art (and in particular Crouse) fails to teach the HVAC controller combination as recited, and in particular wherein the two or more switches are positioned such that the first plurality of detents activate the two or more switches out of phase relative to one another.

As per independent claim 8, the prior art (and in particular Crouse) fails to teach the HVAC controller combination as recited, and in particular wherein the two switches are positioned such that the first plurality of detents activate the switches 90 degrees out of phase relative to one another.

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As per independent claim 10, the prior art (and in particular Crouse) fails to teach the HVAC controller combination as recited, and in particular wherein the second detent engagement member is fixed relative to the member and adapted to slide along the second plurality of detents to selectively fix the position of the member at one of a plurality of positions.

As per independent claim 15, the prior art (and in particular Crouse) fails to teach the HVAC controller combination as recited, and in particular wherein rotational movement of the first detent ring relative to the first and second detent tabs is adapted to selectively deflect the first detent tab to activate the first detent switch and to selectively deflect the second detent tab to activate the second detent switch.

As per independent claim 71, the prior art (and in particular Crouse) fails to teach the HVAC controller combination as recited, and in particular wherein the moving step includes sliding the movable member.

As per independent claims 77 and 78, the prior art (and in particular Crouse) fails to teach the HVAC controller/method combination as recited, and in particular a controller receiving signals from the two or more switches, and adapted to initially display a first HVAC parameter on the display, and once the movable member is moved, to display the second HVAC parameter on the display.

As per independent claim 83, the prior art (and in particular Crouse) fails to teach the a method for adjusting a control parameter as recited, and in particular the steps of displaying a first parameter on display, and adjusting the first parameter on the display after the movable member is moved.

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As per independent claim 87, the prior art (and in particular Crouse) fails to teach the HVAC controller combination as recited, and in particular wherein a first plurality of detents are configured to cause the two or more switches to be switched in a sequence when the movable member is moved by the user, and the HVAC controller is adapted to change a value of one or more control parameters based on the sequence that the two or more switches are switched when the movable member is moved by the user.

As per independent claim 90, the prior art (and in particular Crouse) fails to teach the HVAC controller combination as recited, and in particular a plurality of detents, wherein the plurality of detents are configured to cause the two or more switches to be switched in a sequence when the movable member is moved by the user, and the thermostat is adapted to change a value of one or more control parameters based on the sequence that the two or more switches are switched.

As per independent claim 93, the prior art fails to teach the method combination recited, and in particular the steps of moving the movable member to cause the two or more switches to be switched in at least part of the predetermined sequence; and changing a value of the parameter of the HVAC controller based on the sequence that the two or more switches are switched when the movable member is moved.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc E. Norman whose telephone number is 571-272-4812. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MN

A handwritten signature in black ink, appearing to read 'M. Norman', with a stylized flourish at the end.

**MARC NORMAN
PRIMARY EXAMINER**